

Entered - 10/03/03 - sb
CL03L0806 - DIANNE C. MITCHELL

CLAIM OF: **BYRON M. RAINEY,**
through his attorney,
Pamela Johnson
581 Simpson Street, NW
Atlanta, Georgia 30314-3839

03-*R*-2201

For damages alleged to have been sustained as a result of not receiving his salary increment in July, 2003 pursuant to City Ordinance 03-O-0107.

THIS ADVERSE REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____

ADVERSE

JAN 05 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 15, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Pamela Johnson
Attorney at Law
581 Simpson Street, NW
Atlanta, GA 30314-3839

03-R-2201

RE: Byron M. Rainey

Dear Attorney Johnson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0806

Date: November 25, 2003

Claimant /Victim BYRON M. RAINEY
BY: (Atty) Pamela Johnson
Address: 581 Simpson Street, NW, Atlanta, Georgia 30314-3839
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$
Date of Notice: 10/03/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/03 Place: 55 Trinity Avenue
Department Finance Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he has been damaged as a result of not receiving his salary increment in a timely manner pursuant to City Ordinance 03-O-0107. The investigation determined that the claimant's increment was processed on October 6, 2003 and was retroactive to March 11, 2003.

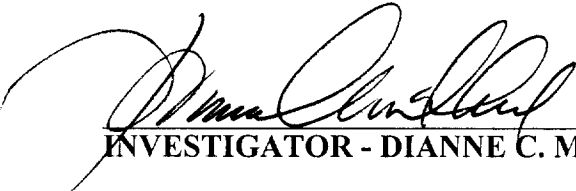
INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date 11/25/03
Committee Action: Council Action

RCS# 5288
1/05/04
3:23 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG 1-9 EXCEPT;02-O-2087,
 03-R-2173
 ADOPT

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	6
EXCUSED:	0
ABSENT	0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

1-05-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-2225 2. 03-O-2161 3. 03-O-2221 4. 03-O-2175 5. 03-O-2229 6. 03-R-2171 7. 03-R-2214 8. 03-R-2215 9. 03-R-2233 10. 03-R-2219 11. 03-R-2172 12. 03-R-2174 13. 03-R-2176 14. 03-R-2246 15. 03-R-2247 16. 03-R-2248 17. 03-R-2226 18. 03-R-2232 19. 03-R-2237 20. 03-R-2178 21. 03-R-2181 22. 03-R-2182 23. 03-R-2183 24. 03-R-2184 25. 03-R-2185 26. 03-R-2186 27. 03-R-2187 28. 03-R-2188 29. 03-R-2189 30. 03-R-2190 31. 03-R-2191	32. 03-R-2192 33. 03-R-2193 34. 03-R-2194 35. 03-R-2195 36. 03-R-2196 37. 03-R-2197 38. 03-R-2198 39. 03-R-2199 40. 03-R-2200 41. 03-R-2201 42. 03-R-2202 43. 03-R-2203 44. 03-R-2204 45. 03-R-2205 46. 03-R-2206 47. 03-R-2207 48. 03-R-2208 49. 03-R-2209 50. 03-R-2210